REMARKS

Applicants hereby provide notice, under 37 C.F.R. §1.56, of co-pending applications, serial numbers 10/510,037 and 10/510,038, as included on the concurrently-filed Information Disclosure Statement.

Reconsideration of the objection to the drawings regarding the gearings and slip clutches of the emergency release device and the wear adjuster, as well as the objection to the drawings regarding the claimed features in Claims 8 and 9, is hereby requested. As agreed to in the Office Interview on March 9, 2007, Replacement Drawings for Figures 1 and 2 and new Figures 3 and 4 are submitted herein. The Specification has been amended accordingly in the Brief Description of the Drawings. Figure 3 is an enlarged view of the right side of Figure 1, as seen when viewing Figure 1. Figure 3 shows the planetary gearings 116, gearwheel stage 118, and slip clutch 70 comprising side-face contrate gearing 80 on nut 8 and side-face contrate gear 82 on free wheel sleeve 72. Support for Figure 3 comes from Figure 1 and paragraphs 22-24 in the Specification. Figure 4 is an enlarged view of the left side of Figure 1, as seen when viewing Figure 1. Figure 4 shows the gearing 14 comprising planetary gearing 16 adjourning d.c. motor 12 and gear wheel stage 18 connected to the output side of gearing 16. Figure 4 also shows slip clutch 38 comprising gear wheel 28 of gear wheel stage 18 and gear wheel 30 disposed on projection 34 of sleeve 36 by ball bearing groove 32. Slip clutch 38 also comprises balls 40. Support for Figure 4 comes from Figure 1 and paragraphs 18 and 19 in the Specification. In addition, Applicants submit that the enlarged Figures 3 and 4 may not show every minute detail of the gearings and clutches. These gearings and clutches are well-known in the art, and are shown, for example, in Figures 4, 11 and 12 of U.S. Patent No. 6,431,329, which is included on the concurrently-filed Information Disclosure Statement. Therefore, reconsideration of this objection is respectfully requested.

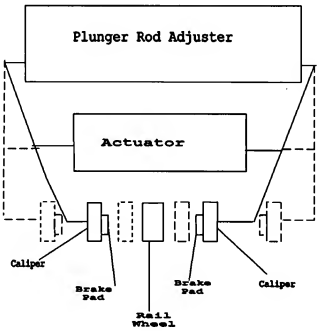
Reconsideration of the rejection of Claims 8 and 9 under 35 U.S.C. §112, first paragraph, is hereby requested. Applicants submit that the combination of (1) the Replacement Drawings and new Figures 3 and 4, the discussion above regarding the drawing objections, and the disclosure in paragraphs 18, 19, 20, 22, 23, 24 and 26 of the Specification adequately describe the claimed subject matter of Claims 8 and 9 to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Therefore, reconsideration of this rejection is respectfully requested.

Reconsideration of the rejection of Claims 4-7, 11-13 and 14-22 under 35 U.S.C. §112, second paragraph is hereby requested. Regarding Claims 4 and 7, Claim 23 has been amended to include a reference to "a common first electric drive unit. Regarding Claim 6, the word "if" has been replace by "when". Regarding Claims 11-13, Claim 11 has been amended to depend from Claim 6. Regarding Claim 14, it has been amended to clarify the language. Regarding Claim 20, it has been amended to clarify the language, which also solves the antecedent basis issue. Claim 19 has been amended to clarify the language. Therefore, reconsideration of this rejection is respectfully requested.

Reconsideration of the rejection of Claim 23 under 35 U.S.C. §102(b) as being anticipated by Kerscher et al. (U.S. Patent No. 4,234,062) and the rejection of Claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over Kerscher et al. in view of Wolfsteiner et al. (U.S. Patent No. 6,722,477) and further in view of Fuderer et al. (EP Patent No. 699846), is hereby requested. Claim 23 has been amended. Claim 23 is directed to an actuator which generates the braking power to move the brake between a brake applied position and a first brake release position, the first brake release position achieved by the actuator being a normal first release position of the brake when the brake application system is being acted upon by the braking power. Claim 23 is further directed to a combined device for an emergency release of a brake application system and for an auxiliary release of the brake, wherein the emergency release of the brake is a movement of the brake from the brake applied position of the actuator to the first brake release position of the actuator resulting from actuation of the combined device, and the auxiliary release of the brake is a further movement of the brake from the first brake release position of the actuator resulting from actuation of the combined device when the brake is not being acted upon by the braking power.

The sketch shown below illustrates the four (4) states of the brake, as described above and in accordance with Applicants' Claim 23. In state 1, shown in phantom, the brake is in the applied position, the brake pads being moved by the actuator onto the rail wheel. In state 2, shown in solid lines, the brake is in the normal or first brake release position, having been moved from the brake applied position by a brake release action of the actuator to remove braking power. In state 3, shown also in solid lines, the brake is in the emergency release position, having been moved from the brake applied position of state 1 resulting from actuation by the combined device. In state 4, shown in phantom, the brake is in the auxiliary release position which is a further movement of the brake from the first brake release position

(states 2, 3) resulting from actuation by the combined device when the brake is not acted upon by braking power. A brake application system employing actuators, calipers, and plunger rod adjusters is well known in the art, as showing, for example, in U.S. Patent No. 6,722,477, which is included on the concurrently-filed Information Disclosure Statement.



In the Office Action, page 6, paragraph 9, it is asserted that "Kerscher et al. shows in Figure 2 the emergency release to be a release of the brake that is a braking power reduction of the brake application system being acted upon by a braking power", and that "Kerscher et al. shows in Figure 3 the auxiliary release being a release of the brake that is not being acted upon by a braking power". Applicants disagree. Applicants submit that Figure 2 in Kersher et al. shows the brake cylinder in a braking position and Figure 3 shows a first phase of the brake cylinder selectively released manually (Figure 4 being the second, final phase). However, at best, Applicants' submit that Figure 3 shows what could be called a manual, emergency release wherein the brake shoe 23 has moved away a particular distance from the wheel. A fluid release of the brake is shown in Figure 6, wherein the brake shoe 23 has moved that same particular distance away from the wheel.

However, it should be noted that wall 7 of cylinder housing 1 prevents the braking piston 27, and thus the brake shoe 23, from moving any further away from the wheel. Therefore, Applicants' assert that Kerscher et al. does not disclose an "auxiliary release of the

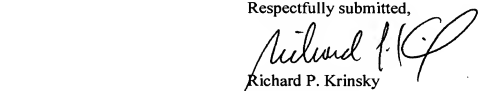
brake being a further movement of the brake from the brake release position of the actuator when the brake is not acted upon by the braking power", as stated in Applicants' Claim 23. Therefore, reconsideration of these rejections is respectfully requested.

Based upon the above, Applicants' submit that Claim 23 is in condition for allowance, and such is respectfully requested. Claims 2-9 and 11-22 depend from Claim 23 and are considered to be in condition for allowance for at least the same reasons as Claim 23 and for their own limitations as well, and such is respectfully requested.

In view of all of the above, the Application is considered to be in condition for allowance and such is hereby requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 02-1010 (566/42762).

Respectfully submitted,



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Enclosure(s): Amendments to the Specification; Amendments to the Claims and Amendments to the Drawings

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AMENDMENTS TO THE DRAWINGS:

Please enter the Replacement Sheets for Figures 1 and 2.

Please enter the new drawings for Figures 3 and 4 as Replacement Sheets.